04
CF 102

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 3681 OF 2005

PETITIONER : Shyam Lal Agrawal ,S/o Ramkala
Judgment Debtor aged about 55 years, occupation business, resident of Village Dhurkot, P.S.Dabhra, Tahsil Dabhra, District Janjgir Champa (CG).

VERSUS

RESPONDENTS:

1. Firm Mahavir Trading Company, through Proprietor Smt. Laxmi Devi W/o Bajrang Lal, resident of Gandhi Ganj, Raigarh, Tahsil and District Raigarh (CG)
(Decree Holder)

2. Manoj Kumar Agrawal S/o Hariram Agrawal, aged about 35 years, resident of Laltanki BohidarPara Raigarh Tahsil and District Raigarh (CG).

3. Prabhakar Singhaniya S/o Shri Shanker Lal Singhaniya, aged 47 years, resident of Lal Tanki Danipara Road, Raigarh , Tahsil and District Raigarh (CG).
(Auction Purchaser)

4. Gopal Agrawal S/o Shyam Lal Agrawal, aged about 30 years.

5. Anish Agrawal S/o Shyam Agrawal, aged 24 years.(Both i.e. No.4 and 5 both resident of Village Dhurkot, Tahsil Dabhra, District Janjgir Chmapa (CG).

6. Singhal Enterprises , through its Director Sanjay Agrawal, resident of Singhal Enterprises, Near Banjari Mandir, Raigarh, Tahsil and District Raigarh (CG).
(Respondents No. 4 to 6 Objectors)

7. Harishanker Sidar , Aadeshika Wahak, District Court , Raigarh (CG).

8. Bachhu Lal , Neelami Notice Chaspakarta , District Court, Raigarh (CG).

P.R.No. 3034/05
Presented on 9/7/05
dated

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CLERK to A. G. B.

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9. Babu Lal , Sale Amin, District Court Raigarh (CG).

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P. 3681 / **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	10-8-2005 Shri Shailendra Dubey, Advocate for the petitioner. Heard. The petitioner has preferred this writ petition under Article 227 of the Constitution of India being aggrieved by the order dated 27-6-2005 passed in Execution Case No. 21-B/1999 by the District Judge, Raigarh. A perusal of the order sheet dated 27-6-2005 reveals that the learned District Judge has ordered for examination of the process server Harishankar Sidar, the person who affixed the notice of auction Bachchulal and Sale Amin Babulal Yadav for identification of the property which was attached and being auctioned, whereas in the petition the petitioner has raised several grounds that the property which was attached is not being sold and the property has been auctioned in a lesser price then the market price in connivance with respondents No. 2 and 3-auction purchaser who are relative of decree holder. Even the petitioner made the request by an application for allowing him to deposit the decretal amount and that he has moved an application that the auction purchaser has not deposited the amount within 15 days. Counsel for the petitioner argues that these applications are not being decided by the Executing Court/District Judge.	

Bilaspur (C.G.)

Date 04/07/2005

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P. 3081/ सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

So far, no order has been passed on these applications. Unless an order is passed by the Executing Court, this Court is not entitled to interfere. However, the Executing Court is expected to pass the order on these applications in accordance with law. The petitioner is at liberty to raise all objections before the Executing Court and the Executing Court to decide the same in accordance with law.

So far as the order dated 27-6-2005 is concerned, I do not fine any illegality or irregularity in the said order, therefore, this writ petition is dismissed being not maintainable at this stage.

In view of this order, M.W.P. No. 3096/2005, I.A. No. 6937/2005 and I.A. No. 6938/2005 also stand disposed of.

Sd/-
L.C. Bhadoo
Judge

Pathak